

GOVERNMENT OF ANDHRA PRADESH
ABSRTACT

Suits – Arbitration – An amount of Rs.18,80,554 as full and final settlement of arbitration Award dated: 25.08.1988 in O.S.No.1479/1988 on the file of Hon'ble II Additional Judge, City Civil Court, Hyderabad, in respect of the works relating to "tank formation across Chakkari Thogu, Bayyakkapeta (V), Parakal (Tq), Warangal District" entrusted to Sri N.V. Chowdary, Contractor, vide Agreement No. 162/77-78, dt:04.01.1978 - Sanctioned - Orders - Issued.

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IRRIGATION&CAD(IRRIGATION WING: ARBITRATION) DEPARTMENT

G.O.Rt. No. 1054.

Dated: 31-10-2013.

Read the following:-

1. From the Hon'ble II Additional Judge, City Civil Court, Hyderabad. Award dt. 25.08.1988 in O.S.No. 1479/88.
2. From the Hon'ble High Court A.P, Hyderabad, Orders dt.18.06.2007 in CMA No.439 of 1992 & 673/1992 and CRP No. 1097/1992.
3. From Sri N.V.Chowdary, Contractor, Representation dt.09.09.2007.
4. From the ENC (IW), Hyderabad, Lr.No.ENC/IW/P&M/EE.I/ DEE.8/300108/08, Dt.03.12.2010.
5. From the C.E., M.I(T), Hyd, Lr.No. DCE(.Spl.)/ OT(D)/ AE2I/ARB/ Chakraithogu/11, dt. 17.7.2012.

ORDER

The work relating to "tank formation across Chakkari Thogu, Bayyakkapeta (V), Parkal (Tq), Warangal District" was entrusted to Sri N. V Chowdary, Contractor, vide Agreement No. 162/1977-78, dated 04.01.1978. Certain disputes have been raised between the parties at the time of execution of the above work. Based on the petition of the Contractor, the Hon'ble II Additional Judge, City Civil Court, Hyderabad appointed the sole Arbitrator on 29.4.1985. After hearing both sides, the Arbitrator has passed the Award on 25.8.88 for a sum of Rs.15,56,238/- with 15% interest. The Contractor has filed petition, vide O.S. No: 1479/88 in the court of the II Additional Judge, City Civil Court, Hyderabad to make the award as rule of the Court. The Department have also filed OP No.427/88 against the above Award. After hearing both sides, the Hon'ble Court has passed the decree in O S No.1479/88 by making the award as rule of court. Against those orders, the Contractor has filed CMA No.439/92 only to the extent of the order that went against the pendentilite interest and the department have also filed CMA No: 673/92 and CRP No: 1097/92. Interim orders were passed by the Hon'ble High Court staying of all further proceedings in EP with a condition to deposit an amount of Rs.7,50,000/- (Rupees Seven lakhs fifty thousand only) and cost by the Department. Accordingly, the department have deposited the said amount. The Hon'ble High Court in its orders dt.18.06.2007 in CMA No: 439/1992 & 673/1992 and CRP No.1097/92 has directed to make an effort to conciliate and settle the claims. As per the above directions of

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the Hon'ble High Court and as requested by the Contractor in his representation third read above, the case has been referred to the Conciliation Committee for Telangana Region for amicable settlement.

2. In the reference fourth read above, the Engineer-in-Chief (IW), I & CAD Department, has furnished the minutes of the meeting of the Committee, wherein the Committee based on the technicality of the claims, has tried to conciliate both the parties and mentioned that the concerned officers of the department agreed for the conciliation amount and simple interest, but the agency, Sri N.V. Chowdary, informed the committee that he will inform his willingness / unwillingness through a letter. Accordingly, Sri N.V. Chowdary has informed his unwillingness to the conciliation proposal made by the Committee vide his letter dt.12.07.2010. In view of the unwillingness of the agency to accept the conciliation proposal, the Committee recommends to take necessary action at Government level.

3. On receipt of the above report, the Government have conciliated the matter on 21.12.2011 at 3.00 PM with the Contractor. During the conciliation, the Contractor has agreed the lumpsum amount of Rs.18,80,554/- as full and final settlement including interest and any incidentals, in respect of the works relating to "tank formation across Chakkari Thogu, Bayyakkapeta(V), Parkal(Tq), Warangal District" in O.S.No.1479/1988. To this effect, Sri N.V. Chowdary has submitted a declaration on a notarized affidavit stating that he will withdraw all his legal proceedings in respect of the above subject work against the Government of Andhra Pradesh or its representative officer, if the above amount is paid to him by cheque at Hyderabad within a period of four weeks from 1.2.2012. Further, the Contractor has extended the date of payment beyond the end of February, 2012.

4. After careful examination of the entire matter, it has been decided to accept the claim offered by the Contractor. Accordingly, Government hereby accord sanction for an amount of Rs.18,80,554/- (Rupees Eighteen lakhs, eighty thousand five hundred and fifty four only) towards full and final settlement of all the claims including interest and any incidentals of the Arbitration award dated 25.08.1988 in OS.No. 1479/1988 on the file of the Hon'ble II Additional Judge, City Civil Court, Hyderabad, in respect of the works relating to "tank formation across Chakkari Thogu, Bayyakkapeta(V), Parakal (Tq), Warangal District" entrusted to Sri N.V.Chowdary, Contractor, vide Agreement No. 162/77-78, dt:04.01.1978, subject to condition that Contractor should withdraw all legal proceedings pending in the Courts in respect of the above said works against the Government or its representative officer, after realization of the sanctioned amount.

5. The expenditure sanctioned in para (4) above shall be debitable to the TSP Head of Account "4702 COL on MI-796 TASP-GH(11)-SH(12)-530 Major Works-531 OE".

6. The Chief Engineer, Minor Irrigation (T), Hyderabad, is directed to deposit the above sanctioned decretal amount, to the credit of O.S No. 1479/88 on the file of the II Additional Judge, City Civil Court, Hyderabad, for avoiding further legal
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complications in the matter. He is also directed to instruct the disbursing officer concerned to obtain a declaration from the above Contractor, accepting the amount as full and final settlement of his claims before depositing the above sanctioned amount in the respective Court.

7. This order issues with the Concurrence of the Finance (Expr.PW) Deptt., vide their U.O. No. 30435-A/1007/A1/Expr.PW/12. DT.19/11/2012.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B. ARAVINDA REDDY
SPECIAL CHIEF SECRETARY TO GOVERNMENT(FAC)

To

The Engineer-in-Chief (IW), Irrigation &CAD, Hyderabad.

The Chief Engineer, Minor Irrigation, Hyderabad,

The Superintending Engineer , Irrigation &CAD, Irrigation Circle, Warangal.

The Executive Engineer, Irrigation &CAD, I.B. Division, Warangal.

The Accountant General, A.P, Hyderabad

The District Treasury Officer, Warangal.

The Pay and Accounts Officer, Warangal.

Sri N.V.Chowdary, E-1, Kakatiya Nagar, St.No.3, Habsiguda, Hyderabad-500007.

Copy to

The Irrigation & CAD (P&B) Deptt., with a request to release LoC/authorization for the expenditure sanctioned above.

The P.S to Spl. Secretary to C.M.

The Government Pleader for Arbitration, High Court of A.P., Hyderabad.

The P.S. to Minister (M&MI)

The P.S. to Spl. Chief Secretary (FAC), Irrigation & CAD Deptt.,

The Law (B) Deptt,

The Finance (Exp.PW) Department.

SF/SCs.

// FORWARDED :: BY ORDER //

SECTION OFFICER.